

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MONTRAIL AUSTIN,	)	
	)	
Movant,	)	
	)	
v.	)	No. 4:16-CV-1420 RWS
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent,	)	

**MEMORANDUM AND ORDER**

This matter is before me on the motion of Montrail Austin to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. Movant argues that his sentence should be reduced because of Amendment 794 to the United States Sentencing Guidelines, which clarified the meaning of “minor role” reductions in § 3B1.1.

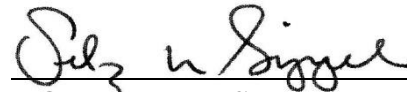
The requested relief is not cognizable in a § 2255 motion. The only way to seek relief based on a change to the Guidelines is in a motion pursuant to 18 U.S.C. § 3582(c)(2). As a result, I will order the Clerk to administratively terminate this action and to file the motion to vacate as a motion under § 3582(c)(2) in the underlying criminal action. The government must file its response in that case.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk is directed to **ADMINISTRATIVELY TERMINATE** this action and to file movant’s motion

to vacate as a motion under 18 U.S.C. § 3582(c)(2) in *United States v. Austin*, No. 4:14-CR-133 RWS.

Dated this 30th day of September, 2016.

A handwritten signature in black ink, appearing to read "Rodney W. Sippel", written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE